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3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

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6 JOE ELTON MOSLEY LLC,

Case No. 3:20-cv-00184-MMD-WGC

7 Plaintiffs,

ORDER

8 v.

9 WALMART, *et al.*,

10 Defendants.

11 Plaintiff Joe Elton Mosley LLC ("Mosley LLC") has brought this *pro se* action against  
12 Walmart and its security manager Jimmy White for allegedly having guns drawn on Joe  
13 Elton Mosley the individual ("Individual Mosley") while he was at Walmart with his family,  
14 and for calling the police on them. (ECF No. 3 at 4-5.) United States Magistrate Judge  
15 William G. Cobb issued a Report and Recommendation of ("R&R"), recommending that  
16 the Court dismiss this action and deny Plaintiff's *in forma pauperis* ("IFP") application (ECF  
17 No. 1) as moot. (ECF No. 3.) Plaintiff had until April 9, 2020 to file an objection. The Court  
18 accepted the R&R on April 10, 2020, both because Plaintiff had not objected and because  
19 the Court agreed with Judge Cobb after conducting a *de novo* review. (ECF No. 5.)  
20 However, after the Court's order was docketed, the Court learned that Plaintiff filed his  
21 objections on April 6, 2020, before the April 9, 2020 deadline (ECF No. 7)<sup>1</sup>. Having now  
22 reviewed Plaintiff's objections, the Court reaffirms its prior order adopting the R&R (ECF  
23 No. 5). The Court addresses Plaintiff's objections in turn.

24 Although Plaintiff's objections are at times unclear, it appears he is challenging  
25 Individual Mosley's underlying arrest and conviction. (ECF No. 7 at 2-3.) Moreover, Plaintiff

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27 <sup>1</sup>Due to a docketing error which has since been corrected, Plaintiff's objection was  
28 not docketed until April 10, 2020. (ECF No. 7.) While his objection is docketed as ECF No. 7 and carried a filed stamp date of April 6, 2020, it was actually docketed after the order adopting the R&R, which is ECF No. 5.

1 has attached documents that he purports is evidence that Mosley LLC is a validly “private  
2 entity,” not a corporation. (See *id.* at 1; ECF No. 7-1.) Nevertheless, Plaintiff does not  
3 dispute that this action is duplicative of a previously filed action in case number 3:20-v-  
4 184-MMD-WGC. (ECF No. 3 at 5 (citing to *Adams v. Cal. Dep’t of Health Servs.*, 487 F.3d  
5 684, 688 (9th Cir. 2007), *overruled on other grounds by Taylor v. Sturgell*, 553 U.S. 880  
6 (2008).)

7 For the foregoing reasons, the Court finds that it correctly adopted the R&R (ECF  
8 No. 3).

9 It is therefore ordered that Plaintiff’s objections (ECF No. 7) are overruled. This  
10 Court’s order (ECF No. 5) and judgment (ECF No. 6) stands.

11 DATED THIS 13<sup>th</sup> day of April 2020.

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15 MIRANDA M. DU  
16 CHIEF UNITED STATES DISTRICT JUDGE  
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